

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF EAST CANTON STREET ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on March 4, 1982 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated January 19, 1982 (hereinafter called the "Application"), filed by East Canton Street Corp., on behalf of East Canton Street Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on February 22, 1982 and March 1, 1982, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James K. Flaherty, Clarence J. Jones, William A. McDermott, Jr. and Joseph J. Walsh, members of the Authority were present at the hearing.

B. The Project. The proposed development area is located on 79, 89, 99 and 109 East Canton Street in the South End section of Boston. A full metes and bounds description can be found in the Application.

The Project currently consists of four five-story apartment buildings located at 79, 89, 99 and 109 East Canton Street, Boston. The buildings were constructed between 1873 and 1892 as "model lodging houses". Each building contains 20 units consisting of equal numbers of 1 and 2 bedroom apartments. Photographs of the exterior of the buildings are contained in Appendix 4 attached to Application.

The proposed Project after rehabilitation will provide 80 apartment units consisting of 36 one-bedroom apartments, 40 two-bedroom apartments and 4 three-bedroom apartments. In addition to electrical, heating, plumbing, masonry, roofing and other substantial interior and exterior renovations, each of the buildings will have new elevators, trash chutes and compactors. Extensive site work and landscaping will provide outdoor sitting and recreation areas adjacent to interior common rooms, planting for shade and screening, with security and ambient lighting. Parking for 33 cars will also be provided. Drawings highlighting typical floor plans and elevation are attached hereto as Appendix 3 of Application.

Approximately 72 of the 80 apartment units comprising the proposed Project have received a firm commitment for Section 8 rental subsidies, a copy of such commitment being attached hereto as Appendix 5 of Application. The remaining eight units will be rented at market rates. As described in such commitment letter, 27 one-bedroom apartments and 18 two-bedroom apartments have been designated as housing for the elderly and/or handicapped; 1 three-bedroom apartment has been designated as housing for the handicapped; and the remaining 9 one-bedroom apartments, 22 two-bedroom apartments and 3 three-bedroom apartments have been designated as family housing. It is currently anticipated that all or substantially all of the current tenants residing in the Project will be eligible for Section 8 rental subsidies.

Attached to the Application as Exhibit 2 is a site plan for the Project Area. There is also incorporated into the Application as Exhibit 3 floor plans and elevations for the buildings and as Exhibit 5 outline specifications showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped and commercial space.

The Project area is blighted, decadent and/or substandard, as those terms are defined in Section 1 of Chapter 121A of the General Laws, as amended, for the reasons described in Section II.B of this Application, in the following manner:

1. When the Project Area was taken by the City of Boston for unpaid taxes in 1975, the four buildings included therein were in rundown condition and had been poorly maintained by the former owners, Eden Apartments, Inc. and Maurice Gordon. A map showing the location of the Project Area is attached to the 121A Application as Appendix 1.

2. The Project Area has been designated a "Neighborhood Strategy Area" by the Boston Area Office of the Department of Housing and Urban Development.

3. All of the buildings located in the Project Area are currently out of repair, physically deteriorated and dilapidated, and contain substantial violations of applicable building, safety and health codes, including violations enumerated in Appendix 4 of said Application.

4. Inspection by qualified engineers have determined that the heating, plumbing and electrical systems of each of the four buildings cannot be salvaged and are completely unusable and obsolete.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, decadent and substandard area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately Five Million One Hundred Fifty Thousand One Hundred Twelve (\$5,150,112.00) dollars.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project. The applicant is East Canton Street Associates. East Canton Corp. is a Real Estate Developer and will serve as a General Partner of East Canton Street Associates, the urban redevelopment limited partnership to be organized. East Canton Street Preservation Association, Inc., a tax-exempt non-profit corporation, the Co-Sponsor of the Project, is an association comprised of substantially all tenants of the subject property. The East Canton Street Preservation Association, Inc. will become a Special Limited Partner in East Canton Street Associates.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Projected Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and furnish attractive and necessary landscaping and provide much

needed handicapped and elderly housing in the South End Neighborhood.

The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston.

It is anticipated that the buildings will be included on the National Register of Historic Places for the reasons as more particularly set forth in the Statement of Significance attached to the 121A Application as Appendix 13.

The proposed Project will also provide an economical re-use of these buildings consistent with their historic significance. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32 (3) (h), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity. However, in compliance with the historic preservation guidelines of the Secretary of the Interior, no abrasive blasting of exterior surfaces shall be permitted.

All renovation work must comply with all provisions and conditions resulting from the Federal historic preservation review conducted pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 USC 407).

Further, the Applicant must apply for residential exemption from the requirements of the City of Boston Parking Freeze regulations from the City of Boston Air Pollution Control Commission and comply with all provisions specified thereunto.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit 5 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Exhibit 5, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, General Laws, Chapter 138.

J. Zoning Code Deviations. Appendix 10 filed with and attached to the Application, request a Zoning Code deviation for reasons set forth in the Application and the evidence presented at the hearing. The Authority hereby approves the zoning deviation listed below and finds that such deviation is necessary for carrying out the project and is therefore granted without substantially derogating from the interest and purposes of the applicable laws, codes, ordinances and regulations.

DISTRICT M-2

SECTION 15-1 Floor Area Ratio

	<u>Zoning Code</u>	<u>Deviation Granted</u>
Floor Area Ratio	2.0	2.2

K. Duration of Period of Tax Exemption. The Applicant requests an extension of twenty-five (25) years to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A. This request is granted based upon the Project's receipt of financing from the United States Department of Housing and Urban Development issued pursuant to a firm Commitment for Insurance of (Mortgage) Advances under Section 221d(4) of the National Housing Act for a mortgage for forty (40) year term in the amount of \$4,133,900.00, and receipt of rent subsidies under Section 8 of the United States Housing Act of 1937, as amended, as the Project is involved with the rehabilitation of structures to provide low income housing for the elderly and the handicapped.

L. Relocation Plan. The Authority has examined the relocation plan which has been commenced by the Applicant, and the Authority hereby approves the plan as a condition of its approval of the Application. All of the buildings located in the Project Area will be rehabilitated. In anticipation of such rehabilitation, all of the tenants who had occupied 79 and 89 East Canton Street have already been either temporarily or permanently relocated pursuant to a relocation plan. Most of the tenants were moved into 99 and 109 East Canton Street, and the remaining tenants were either temporarily or permanently moved off-site and have received relocation benefits in accordance with the requirements of Chapter 79A of the General Laws and the regulations issued thereunder. Upon completion of the rehabilitation of 79 and 89 East Canton Street, the majority of occupants of 99 and 109 East Canton Street will be permanently moved into rehabilitated units in 79 and 89 East Canton Street, with the exception of some tenants whose income does not qualify them for Section 8 rental subsidies. All tenants will receive relocation benefits as required by Chapter 79A.

M. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions set forth above.

April 8, 1982

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT J. RYAN, DIRECTOR
SUBJECT: CHAPTER 121A APPLICATION OF EAST CANTON
STREET ASSOCIATES

On March 4, 1982, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the acquisition, rehabilitation, operation and maintenance by the Applicant of 80 units of housing for low income families, elderly and handicapped persons. The Project, 72 units of which are covered by a Section 8 subsidy, are located at 79, 89, 99 and 109 East Canton Street, South End.

Authority staff has examined the Application and found that it contained sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of East Canton Street Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to M.G.L. c. 109 and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A be and hereby is approved and adopted.